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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,631	02/10/2004	Stephen Bolin Venzke	10030725-1	1317

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,631

Applicant(s)

VENZKE, STEPHEN BOLIN

Examiner

Karl D. Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 33-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/22/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election without traverse of Group I, claims 1-32 in the reply filed on 6/7/2005 is acknowledged.

2. Claims 1-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claims that there is constant power dissipated in the device. There is not adequate disclosure as to how this occurs. Applicant states on page 15 that occurs by employing a power feedback resistor, but there is no disclosure for any feedback circuit so that how it occurs is not sufficiently described.

3. Claims 1-32 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The power feedback resistor and circuit noted above is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Therefor applicant's disclosure is not enabling for reasons stated.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ludwig (4,336,743). Ludwig discloses the claimed invention at Figs. 1-3 with any of two the

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resistors 50, 54 and 56 as input or input power resistors and any two of the terminals 68 forming ports 68, where there are many combinations since there are 6 ports. Thus for claim 32 there are a plurality of signal ports and power ports. The total power is constant since a DC signal is used at the top of col. 1, where there are two DC motor speeds. For claims 2-3, all resistors dissipate. For claim 4, the substrate is 30. For claim 5, the metal between resistors is a physical contact connection. For claim 6, the total power must equal the power in one resistor minus the power in the remaining resistors in the device. For claim 7, there may be any combination of AC or DC. For claim 8, there may more than one resistor for both the input power and signal resistors, where one resistor may function as both. The remaining claims follow from claims 2-7 above, where they have the same elements. (While the total power may vary due to the temperature coefficients, applicant's total power also varies somewhat as noted at page 15 of his description., but the total power of the Ludwig device will no vary much at low voltages since there is minimal heating. Nonetheless, there is no claimed distinction, where any variances is one of degree without specificity.) Or note as an alternative, there may be no power put to the device, therefor the power dissipated is constant.

6. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (2, 378, 873). Thompson discloses the claimed invention at Fig. 1 with the input port the single signal port between 22 and the output port the power port between 23, 25, and signal resistor 1 and output resistor 2. The terminal linking agent is 3. The total power is constant since the series resistance is constant as noted at page 2, lines 67-75. For claims 2-3 the resistors dissipate. For claim 4, the resistors are on the

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substrate 3. For claim 5, 3 is a heat sink or contact connection. For claim 6, the total power is the constant minus the power in one or the other. For claim 7, there may be AC or DC. For claim 8 resistors 1 and 2 may be the plurality of the signal or power resistors or shared by both.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDE


KARL D. EASTHOM
PRIMARY EXAMINER